

LAND USE & TRANSPORTATION COMMITTEE

FINDINGS OF FACT

City Council Bill No. 25-0022

MOTION OF THE CHAIR OF THE COMMITTEE LAND USE & TRANSPORTATION, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO ARTICLE 32, SECTION 5-406 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A CONDITIONAL USE FOR:

**Zoning - Conditional Use Approval to Construct a Rowhouse Dwelling
Requiring Conditional Use Approval for Maximum Height and Variances From Bulk
And Yard Regulations.**

1. the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons:**
 - Rowhome dwellings are permitted in the R-8 district and staff finds that this use would not be detrimental to or endanger the public health, safety, or welfare.
2. the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan;
 - The use is permitted by the R-8 district and would not conflict with any Urban Renewal Plan
3. the authorization **would not** be contrary to the public interest **for the following reasons:**
 - Use of this property as a rowhome dwelling is in the public interest because it will provide additional housing options in the community.
4. the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**
 - Use of this property as a single dwelling will not create in the community with a negative impact on public health, safety, or welfare.

After consideration of the following, **where applicable (fill out all that are relevant):**

1. the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

- a. The proposed site is a corner lot in an R-8 zoning district, where building heights between 35 feet and 45 feet are allowed if the lot is bordered by street rights-of-way that are both at least 30 feet wide. That is the case here with both Bayard and Sargeant.
2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;
 - a. The height will allow for a three-story rowhouse to be built on these lots. It will have no impact on traffic patterns or off-street parking and loading.
3. the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
 - a. This corner of Pigtown is fully developed by century-old single-family rowhouses. Approval of this conditional use will have no adverse impact on present or future development.
4. the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
 - There is reasonable proximity of other dwellings and places of public gathering.
5. accessibility of the premises for emergency vehicles;
 - There is adequate accessibility for emergency vehicles,
6. accessibility of light and air to the premises and to the property in the vicinity;
 - There is adequate accessibility of light and air to the premises.
7. the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
 - There are adequate utilities, roads, drainage, and other necessary facilities.
8. the preservation of cultural and historic landmarks and structures;
 - The proposed use of the existing structure would not affect preservation of cultural and historic landmarks and structures.
9. the character of the neighborhood;
 - This property is located in the Pigtown neighborhood, which is predominantly residential in nature, with the housing stock largely comprised of row homes.
10. the provisions of the City's Comprehensive Master Plan;
 - a. The conditional use does not conflict with the provisions of the City's Comprehensive Master Plan. The Comprehensive Master Plan articulates an

interest in restoring vacant properties. This conditional use will assist in the restoration of a vacant property in Pigtown.

11. the provisions of any applicable Urban Renewal Plan;

- The proposed use is not prevented or limited by the Washington Village Urban Renewal Plan which is applicable to the property.

12. all applicable standards and requirements of this Code;

- The proposed use requires variances from the bulk and yard regulations

13. the intent and purpose of this Code; and

- The proposed use is consistent with the intent and purpose of the Zoning Code.

14. any other matters considered to be in the interest of the general welfare.

- The proposed use is consistent with any other matters considered to be in the interest of the general welfare.

FINDINGS OF FACT FOR VARIANCE

City Council Bill No. 25-0022

MOTION OF THE CHAIR OF THE COMMITTEE ON LAND USE AND TRANSPORTATION AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING ANY VARIANCES OF APPLICABLE STANDARDS FOR:

**Zoning - Conditional Use Approval to Construct a Rowhouse Dwelling
Requiring Conditional Use Approval for Maximum Height and Variances From Bulk
And Yard Regulations.**

VARIANCE FROM YARD REQUIREMENTS

(Use a separate Variance form for each Variance sought in the bill)

THRESHOLD QUESTION:

- ☒ *In accordance with Section 5-305(c), it has been determined that there is no written decision by the Board of Municipal and Zoning Appeals on an application for this same subject matter.*

HARDSHIP OR PRACTICAL DIFFICULTY:

*The City Council has considered at least one of the following:
(check all that apply to evidence consideration)*

- ☒ The physical surroundings around the **STRUCTURE / LAND** involved;
(underline one)
- ☒ The shape of the **STRUCTURE / LAND** involved;
(underline one)
- ☐ The topographical conditions of the **STRUCTURE / LAND** involved.
(underline one)

*and finds **either** that:*

*(1) An unnecessary hardship **WOULD / WOULD NOT** (underline one) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:*

or that:

(2) Practical difficulty WOULD / **WOULD NOT** (*underline one*) exist if the strict letter of the applicable requirement from which the variance is sought were applied because:

The property at 1121 Bayard has hardship resulting from its shallow depth of 60 feet, which creates a practical difficulty in meeting the required 20-foot rear-yard setback. If the required setback were provided, the dwelling would be limited to only 40 feet in length, making it shorter than typical homes on the block. Allowing full use of the lot provides space for a side-loading garage, which is necessary to meet the off-street parking requirement due to the lack of rear alley access for off-street parking. An abandoned curb cut already exists on this portion of Sargeant Street.

Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification. The purpose of the variance needed is not based exclusively on a desire to increase the value or income potential of the property. The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

FINDINGS OF FACT FOR VARIANCE

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VARIANCE FROM BULK REQUIREMENTS

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THRESHOLD QUESTION:

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The City Council has considered at least one of the following:
(check all that apply to evidence consideration)

- ☐ The physical surroundings around the **STRUCTURE / LAND** involved;
(underline one)
- ☒ The shape of the **STRUCTURE / LAND** involved;
(underline one)
- ☐ The topographical conditions of the **STRUCTURE / LAND** involved.
(underline one)

*and finds **either** that:*

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Conditions on which this variance is based are unique to this property and are not generally applicable to other property within the same zoning classification. The purpose of the variance needed is not based exclusively on a desire to increase the value or income potential of the property. The variance would not be injurious to the use and enjoyment of other property in the immediate vicinity and not substantially diminish or impair property values in the neighborhood. The variance requested is in harmony with the Comprehensive Master Plan, and related considerations of public health, safety, and general welfare.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission's report, dated February 28, 2025 including the Department of Planning Staff Report, dated February 27, 2025

[X] Testimony presented at the Committee hearing.

[X] Findings of the applicant – adopted by committee on April 24, 2025

Oral – Witness:

- Michele Toth, Law Department
- Eric Tiso, Planning Commission
- Luciano Diaz, Department of Transportation
- Jason Wright, Department of Housing and Community Development

Written:

- Department of Transportation, Agency Report – Dated March 10 2025
- Department of Public Works, Agency Report -Dated February 19, 2025
- Law Department, Agency Report – Dated March 11, 2025
- Department of Housing and Community Development, Agency Report – March 12, 2025
- Fire Department, Agency Report – Dated March 13, 2025

COMMITTEE MEMBERS VOTING IN FAVOR

Ryan Dorsey – Chair
Phylicia Porter
Paris Gray

FINDINGS OF FACT

To: The Mayor and City Council of Baltimore
From: AB Associates, on behalf of Kenneth Hobbs
Date: April 16, 2025
Re: CCB 2025-022, for conditional use approval to construct a rowhouse dwelling requiring conditional use approval for maximum height and variances from bulk and yard regulations.

Council Bill 2025-022 concerns the conditional use of 1121 Bayard Street to rebuild a rowhouse following a gas-line explosion in 2022 that destroyed the subject property and irreparably damaged the neighboring structure at 1123 Bayard. Kenneth Hobbs, who owned 1121 Bayard at the time of the explosion, purchased 1123 Bayard in May of 2024, consolidated the two lots, and engaged an architect to design a double-wide rowhouse he and his partner could live in after construction.

Plans for this rebuild include a three-story, 37-foot tall rowhouse that covers the entire consolidated lot, creating a footprint of 24 feet by 60 feet. Such a development requires conditional use approval for the building height and variances from the Zoning Code's requirements for maximum lot coverage and rear-yard setbacks.

1. Bayard Street

Bayard Street is located on the southwestern edge of Pigtown, straddling Washington Boulevard. The four blocks west of Washington are lined with Formstone-façade rowhouses, all built before 1900. These are small lots; the properties on Hobbs's block measure only 60 feet deep. Notable is that most of the corner lots on Bayard Street are covered entirely by their respective structures; the original builds each exceeded the dimensions permitted by the modern code. This is a common theme in this section of Pigtown, where 27 of the 36 corner lots are non-conforming to maximum lot coverage and rear-yard setback requirements.

Bayard Street is distinct in that it bookends the northeast side of Carroll Park. From Washington Boulevard, it is the first street in Pigtown that people see when they drive into the city. At present, because of the gas-line explosion, 1121 Bayard is the street's only vacant lot. In that sense, there exists a public interest in the property's rehabilitation: A rebuilt home will improve the block. The public benefit represents one reason why the Citizens of Pigtown support this legislation.

2. Entitlements Necessary

Mr. Hobbs would like to build a 24-foot-wide rowhouse that covers the full expanse of the consolidated lot. He seeks an ordinance for two variances and the conditional use of a 37-foot building height.

- Conditional use for height: 35 feet required; 37 feet proposed.
- Minimum rear yard setback: 20 feet required, 0 feet proposed, 20 feet variance requested.
- Maximum lot coverage: 80 percent allowed, 0 percent proposed, 100 percent variance requested.

3. ZC § 5-406: Conditional Use Approval Standards

A conditional use is a use that may be authorized as a special exception subject to the City Council's review. As a guide to its decision on the facts of each case, the Council must consider the following, where appropriate:

- a. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The proposed site is a corner lot in an R-8 zoning district, where building heights between 35 feet and 45 feet are allowed if the lot is bordered by street rights-of-way that are both at least 30 feet wide. That is the case here with both Bayard and Sargeant.

- b. The resulting traffic patterns and adequacy of proposed off-street parking and loading;

The height will allow for a three-story rowhouse to be built on these lots. It will have no impact on traffic patterns or off-street parking and loading.

- c. The nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

This corner of Pigtown is fully developed by century-old single-family rowhouses. Approval of this conditional use will have no adverse impact on present or future development.

- d. The proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There are no churches, public structures, or other places of public gathering in the immediate vicinity aside from Carroll Park, across the street, and the Charles Carroll Barrister Elementary School, located on the northeast corner of Washington Boulevard and Bayard Street. The proposed development will have no impact on the public's use or enjoyment of that park, or operations at the school. 1121 Bayard is located in close proximity to rowhouses that will not be impacted by the conditional use of this increased height.

- e. Accessibility of the premises for emergency vehicles;

The conditional use will not impact accessibility of the premises for emergency vehicles.

- f. Accessibility of light and air to the premises and to the property in the vicinity;

The conditional use will have no impact on accessibility of light and air to the premises or to property in the vicinity.

- g. The type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

The conditional use will have no impact on utilities, access roads, drainage, or other necessary facilities.

- h. The preservation of cultural and historic landmarks and structures;

The conditional use will not impact any cultural or historic landmark or structure.

- i. The character of the neighborhood;

The conditional use will not negatively impact the character of the neighborhood. It will facilitate the construction of a home on this vacant property, which will improve the character of the neighborhood.

- j. The provisions of the City's Comprehensive Master Plan;

The conditional use does not conflict with the provisions of the City's Comprehensive Master Plan. The Comprehensive Master Plan articulates an interest in restoring vacant properties. This conditional use will assist in the restoration of a vacant property in Pigtown.

- k. The provisions of any applicable Urban Renewal Plan;

The Washington Village Urban Renewal Plan includes 1121 Bayard Street but does not prohibit the conditional use of a 37-foot structure.

- l. All applicable standards and requirements of this Code;

With the approval of the necessary variances, the conditional use authorization of the proposed expansion meets all applicable standards and requirements of the Zoning Code

- m. The intent and purpose of this Code; and

The Zoning Code allows for rowhomes in R-8 zoning districts to be built to a height in excess of 35 feet if they meet certain criteria. This property will meet that criteria.

- n. Any other matters considered to be in the interest of the general welfare.

The applicant has met with the Citizens of Pigtown neighborhood association about this proposal. That association voted unanimously to support the plan.

The City Council may not approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, the Council finds that:

- a. The conditional use would not be detrimental to or endanger the public health, safety, or welfare;

The conditional use will have no impact on the public health, safety, or welfare.

- b. The use is not precluded by any other law, including an applicable Urban Renewal Plan;

No law or Urban Renewal Plan prohibits this use.

- c. The authorization will not be contrary to the public interest;

The authorization will not be contrary to the public interest. The conditional use will have no impact on the public interest.

- d. The authorization will be in harmony with the purpose and intent of this Code.

The Zoning Code allows for rowhomes in R-8 zoning districts to be built to a height in excess of 35 feet if they meet certain criteria. This property will meet that criteria.

4. ZC § 5-308(a) Variance Approval Standards

Granting a variance requires the Council find in part that, because of the structure or property's physical surroundings, shape, or conditions, an unnecessary hardship or practical difficulty would result if the Zoning Code were strictly followed. This standard requires applicants establish: (1) uniqueness, (2) an unnecessary hardship or practical difficulty imposed by the Code, and (3) that the uniqueness is the proximate cause of that hardship. The Council must also find that the request meets other elements outlined § 5-308(b).

- a. Uniqueness

This property is unique because of the damage incurred by the gas-line explosion, requiring a full rebuild. It is currently the only vacant lot on Bayard Street.

- b. Practical Difficulty Imposed by the Code

The property at 1121 Bayard has hardship resulting from its shallow depth of 60 feet, which creates a practical difficulty in meeting the required 20-foot rear-yard setback. If the required setback were provided, the dwelling would be limited to only 40 feet in

length, making it shorter than typical homes on the block. Allowing full use of the lot provides space for a side-loading garage, which is necessary to meet the off-street parking requirement due to the lack of rear alley access for off-street parking. An abandoned curb cut already exists on this portion of Sargeant Street.

c. Uniqueness as Proximate Cause of Hardship

The lot requires a full rebuild, which is hindered by its shallow depth.

Under ZC § 5-308(b), the Council must also find that:

- a. The conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;

The conditions are based on the present state of the property following the gas-line explosion and structural damage to the house on what was 1123 Bayard.

- b. the practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;

The practical difficulty is caused by the Code's regulations that govern rear-yard setbacks and maximum lot coverage.

- c. the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;

The purpose of the variances is to design a new rowhouse that is not impractically shallow.

- d. the variance will not:

- a. be injurious to the use and enjoyment of other property in the immediate vicinity; or
- b. substantially diminish and impair property values in the neighborhood;

The variances will not impact the use and enjoyment of other property in the immediate vicinity. The new home will not diminish or impair property values in the neighborhood. The Citizens of Pigtown association supports this plan.

- e. the variance is in harmony with the purpose and intent of this Code;

The Zoning Code functions in part to accommodate the development of suitable housing on lots zoned for residential use, including the property at issue.

- f. the variance is not precluded by and will not adversely affect:
 - a. any Urban Renewal Plan;
 - b. the City's Comprehensive Master Plan; or
 - c. any Historical and Architectural Preservation District; and

The property is located in a National Register Historic District but is not located in a CHAP district. The variances are not precluded by and will not adversely affect the National Register Historic District. The property is also located in the Washington Village Urban Renewal Plan. The variances are not precluded by and will not adversely affect the URP.

- g. the variance will not otherwise:
 - a. be detrimental to or endanger the public health, safety, or welfare; or
 - b. be in any way contrary to the public interest.

The Citizens of Pigtown association supports this plan.

5. Summary and Conclusion

1121 Bayard Street is a shallow lot in need of a full rebuild following a gas-line explosion that destroyed one house and damaged another. The variances requested will allow for a rowhouse to be built at appropriate scale and in conformity with a significant majority of the corner lots in this part of Pigtown. The conditional use requested will not have any negative impact on the public health, safety, or welfare and is presumed to be permitted if the property meets certain criteria, which this property does. For those reasons, the Council should vote to approve this legislation.